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Guidelines for use of Employment Services in Medicaid Programs for Developmental Services

Employment Services are presently available within Developmental Services through Section 21 Home and Community Based Waiver Program as well as grant monies. In the near future it is planned to have a second waiver program titled "Support Waiver" which will include funding for employment. There have been recent changes to Section 21, as well as, cuts in grant dollars that have led to questions regarding employment services. This is an attempt to provide information that has been reviewed and approved by Developmental Services. The following bullets are to provide information regarding specific issues that have been brought forward to our office:

- Please refer to the protocol on our web page regarding employment utilizing Section 21:

Supported Employment under the Home and Community Based Waiver Program

This is a document intended to provide guidance on the use of Supported Employment services under the Home and Community Based Wavier Program (W126 code). It was felt that it was important to assure that people utilizing this service on the Waiver have an understanding of what is covered and the process that should be followed:

1. People who are interested in pursuing work should discuss this with their planning team and assure it is a goal within their plan. They should then be referred to Vocational Rehabilitation. No persons should request supported employment services through the waiver program without utilizing the services of vocational rehabilitation services. Supported Employment is not to be used for services that are available under section 110 of the Rehabilitation Act of 1973), thus it is V.R.'s role to work with the person to develop a employment plan, assess abilities, and determine whether long term support is needed. Job development and placement is not a covered service in section 21.
 2. The statewide standard agreement form developed between V.R. and M.R. Services should be utilized after the V.R. worker has done an assessment and determines the projected need for support.
 3. Supported employment does not include sheltered work or other similar types of vocational services furnished in specialized facilities (federal guidelines).
 4. Request for long-term support should be provided to the review committee for the Home and Community Based Waiver Program (Tuesday Group). These requests should include the documentation from vocational rehabilitation if the person is newly employed by them. Supported employment for people who are on the Home and Community Based Waiver and have a been evaluated for the need for long term support and identified in the person centered plan are entitled to those services up to the maximum allowance.
 5. If a person is found to be "too severe" and denied Vocational Rehabilitation services in writing appeal processes should be considered. If an appeal is not successful or not sought by the consumer and he/she desires to work and an agency is able to identify a potential job site not utilizing funds from the Home and Community Based Waiver Program, supported employment services may be allocated according to the procedure above. Funding from Section 21 cannot be used for job development or stabilization.
 6. If an individual has gone through VR, obtained a job, and loses his/her position and needs reemployment support in a similar position or profession section 21 funds may be used to support re-employment. If the person requires significant retraining or is seeking employment in a new profession then they should reapply to V.R.
- In the new revisions for Section 21 there are changes in regard to employment. Please note the new definition for Employment Services and Work Support.
 - **Work Support** is Direct Support provided to improve a member's ability to independently maintain productivity and employment. This service is

commonly provided after a period of stabilization and encompasses adherence to workplace policies and productivity. It may also include hygiene, self-care, dress code, work schedule and related issues. Work Support is provided in a member's place of employment; may be provided in a member's home in preparation for work if it does not duplicate services already reimbursed as Home Support.

The cost of transportation related to the provision of Work Support is a component of the rate paid for the service.

- **Employment Services** include services necessary to support an individual in maintaining Employment. Services include: (1) periodic interventions on the job site to identify an individual's opportunities for improving productivity, minimizing the need for formal supports by promoting natural workplace relationships, adhering to expected safety practices, and promoting successful employment and workplace inclusion; (2) assistance in transitioning between employers when an individual's goal for type of employment is not substantially changed, including assistance identifying appropriate employment opportunities and assisting the individual in acclimating to a new job. Employment Services are provided by an Employment Specialist who may work either independently or under the auspices of a Supported Employment agency. The need for continued Employment Services must be documented in an Individual Plan as necessary to maintain employment over time.

Employment Services are provided at work locations where non-disabled individuals are employed as well as in entrepreneurial situations.

The cost of transportation related to the provision of Employment Services is a component of the rate paid for the service.

- **Services otherwise available under a program funded by the Rehabilitation Act of 1973, or P.L. 94-142, are not covered under this waiver.**
- Employment Services are provided on an intermittent basis with a maximum of 10 hours each month.
- The maximum annual allowance for the combination of Work Support and Employment Specialist Services (Job Coaching) is 600 hours of direct support. This allows, under the new rate setting, for nearly \$15,000 a year of supported employment. For those who are presently being served above this limit, teams need to assess whether the person requires the level of support presently being provided or if other programs should be added as their work time decreases in order to support them.
- - People are still eligible for accessing day habilitation in conjunction with employment services.
 - If more than one person is being supported by a work support person billing can only occur for the support person's time at that site for those

individuals, not the time worked by each consumer. The history of the employment rate is that it is based on individual support and thus should be billed accordingly.

- Sub-minimum wage is allowed in a competitive setting utilizing appropriate Department of Labor law. It should be noted that it is the goal however, is to support people wherever possible to receive earnings at or above minimum wage. In addition it also should be noted that VR cannot close a case successfully under sub-minimum wage.